

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA

v.

2:23-cr-00035

WHITTENEY GUYTON,

Defendant.

MOTION TO DETERMINE COMPETENCY

COMES NOW, Counsel for the Defendant Whittenevy Guyton and hereby moves this Court, pursuant to 18 U.S.C. § 4241, for a hearing to determine Ms. Guyton's mental competency. Counsel is also requesting, pursuant to § 4241(b), that prior to any such hearing, the Court order that a psychiatric or psychological examination of Ms. Guyton be conducted, and that a psychiatric or psychological report be filed with the Court in accordance with the provisions of 18 U.S.C. § 4247(b) and (c). In support of these motions, counsel states as follows:

1. That the Defendant was arrested on March 31, 2023 and released on bond;
2. That initially counsel had no problem in explaining the facts, the laws and the issues to the Defendant. Her answers were coherent and responsive to the questions;
3. However, the last three visits with the Defendant have resulted in an inability of Counsel to adequately discuss the issues presented and the decision of the Defendant had to make. Rather than the lucid responses, the Defendant has given nonsensical answers, offered bizarre legal theories and was completely incapable of understanding the ramification of her actions;

4. Counsel has met with and spoken to Ms. Guyton and has become increasingly concerned that her medical condition prevents her from cooperating with counsel;

5. Counsel has witnessed Ms. Guyton's decline firsthand. Based upon counsel's interactions and observations of Ms. Guyton, he has reasonable cause to believe that the Ms. Guyton may presently be suffering from a mental disease or defect that renders her mentally incompetent to such a degree that she is no longer able to properly assist in her own defense; and

6. For these reasons, counsel is requesting that the Court order that Ms. Guyton undergo an examination by an appropriate medical practitioner in order to determine her competency and to set a hearing on this matter. Counsel also requests that a report of the findings of Ms. Guyton's examination be filed with the Court and provided to the parties in advance of such hearing.

7. Counsel has discussed the filing of this motion with the Government who has no opposition to this Motion being granted

CONCLUSION

WHEREFORE, for the reasons set forth above, counsel for the Defendant Whitteney Guyton prays that this Honorable Court grant his motions and accordingly issue an appropriate order.

Respectfully submitted,

Whitteney Guyton

By Counsel

_____/s/_____
James O. Broccoletti, Esquire
VSB# 17869
Counsel for Whittenev Guyton
ZOBY & BROCCOLETTI, P.C.
6663 Stoney Point South
Norfolk, VA 23502
(757) 466-0750
(757) 466-5026
james@zobybroccoletti.com

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of December, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Elizabeth Yusi, Esquire
United States Attorney's Office
101 W Main Street, Suite 8000
Norfolk, VA 23510
757-441-6331
Elizaabeth.yusi@usdoj.gov

_____/s/_____
James O. Broccoletti, Esquire
VSB# 17869
Counsel for Whittenev Guyton
ZOBY & BROCCOLETTI, P.C.
6663 Stoney Point South
Norfolk, VA 23502
(757) 466-0750
(757) 466-5026
james@zobybroccoletti.com